



U.S. DEPARTMENT of STATE

Fiji

Country Reports on Human Rights Practices - [2004](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 28, 2005

Fiji is a constitutional republic with an elected President, Prime Minister, and Parliament. Ethnicity remained a dominant factor in the country's politics, economy, and society. Following an attempted coup d'etat in 2000 that resulted in the overthrow of the lawfully elected government, free and fair elections were held in 2001, and the political situation improved. A dispute between the ruling party and the opposition over the composition of the Cabinet was settled in November when both sides agreed not to pursue the issue further. The Vice President, a government minister, and the Deputy Speaker of Parliament were sentenced to periods of imprisonment ranging from 1 to 6 years for their participation in a coup attempt in May 2000. The Constitution provides for an independent judiciary; however, the judiciary at times has been subject to political pressure.

National security is monitored and acted upon by the National Security Council (NSC), which is composed of the Prime Minister; the Ministers of Home Affairs, Foreign Affairs, and Attorney General; the Commissioner of Police; and the Commander of the Republic of Fiji Military Forces (RFMF). During the year, the civilian authorities generally maintained effective control of the unarmed civilian police force and the RFMF. There were occasional complaints of human rights abuses by the police. Most, if not all, were investigated, and individual members of the police have been charged and tried. There were no reports the RFMF committed human rights abuses.

The population of approximately 845,000 is multiracial and multicultural. Indigenous Fijians make up 51 percent; Indo Fijians (descendants of immigrants from the Indian subcontinent) 42 percent; and Asians, Caucasians, and other Pacific Islanders make up the rest. Indo Fijian families dominated the business sector and enjoyed higher average incomes; however, indigenous Fijians were the majority in government ministries and made up the vast majority of members of the armed forces. Sugar and tourism accounted for more than half of foreign exchange earnings. The inefficient sugar industry was hampered by industrial disputes and an outmoded infrastructure; however, tourism grew strongly during the year. Foreign investment, depressed in recent years, showed signs of recovery. Skilled workers and professionals continued to emigrate in large numbers.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. The Constitution establishes an ethnically based electoral system, and government policies on hiring, education, and land tenure provide protection for indigenous Fijian interests. The ethnic divide between the governing indigenous Fijian-based Duavata ni Lewenivanua (SDL) and the Indo-Fijian-based Fiji Labor Party (FLP) remained a recognized obstacle to long-term political stability, and ethnic discrimination remained a serious problem. On several occasions, Members of Parliament (M.P.s) made racist remarks about Indo-Fijians. Evictions of Indo Fijian tenant farmers by indigenous Fijian landowners continued to occur. Occasional police abuse of detainees and suspects occurred. Other human rights problems included restrictions on freedom of assembly, violence and discrimination against women, and some instances of abuse of children. A proposal to replace the country's industry constituted Media Council with a government-controlled organization continued to raise concern.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there were some reports of abuses by police. The number of cases of police

abuse significantly declined compared to previous years. Reported incidents of beatings and other abuse of apprehended persons and prisoners were investigated and, when appropriate, offending officers were prosecuted and jailed. All such cases appeared to be isolated incidents, not condoned by supervisory officers.

The Police Department's Internal Affairs Unit is required to investigate complaints of police brutality. The law permits corporal punishment as a penalty for criminal acts, but no cases were reported. In response to public concern regarding police brutality, the Human Rights Commission (HRC) conducted training courses for police field investigators, sergeants, and prison officers.

Prison conditions did not meet international standards. The prison system was seriously underfunded, with deteriorating infrastructure and poor delivery of essential services, including food and sanitation. Courts released prisoners on bail to minimize their exposure to an environment described as "overcrowded, unsanitary, degrading, and inhumane" by a sitting judge who, in response to prisoner complaints, made a surprise visit to the Suva prison. Human rights organizations have received credible reports of prisoner abuse by guards; however, there were no indications that abuse was officially condoned. Men and women were held separately, juveniles were held separately from adults, and pretrial detainees were separated from convicted prisoners.

During the year, the International Committee for the Red Cross (ICRC) was given access to all prisoners. Family members also were permitted to visit prisoners.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The Government continued a program initiated in 2003 to improve the police force and address the problem of corruption. Allegations of corruption, once rampant in the police force, were investigated, and charges and prison sentences have resulted. Some officers were removed from the force.

The law provides that a person may be arrested only if police believe a law has been broken or is about to be broken. Arrested persons must be brought before a court without "undue delay." This requirement normally was interpreted to mean within 24 hours, with 48 hours as the exception. Detainees have the right to a judicial review of the grounds for their arrest; however, allegations of incommunicado and arbitrary detention continued to occur on occasion.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary at times has been subject to political pressure.

The country's judicial structure is patterned on the British system. The principal courts are the magistrate courts, the High Court, the Court of Appeal, and the Supreme Court. Eight of nine Supreme Court justices are expatriate judges, who often were used in key cases at lower levels. Except for the Family Court, there are no special courts. Military courts try members of the armed forces. Magistrate courts try the large majority of cases. In addition to its jurisdiction in serious civil and criminal cases, the High Court is granted special-interest jurisdiction on behalf of the public and is empowered to review alleged violations of individual rights.

Defendants have the right to a public trial and to counsel. Trials in the High Court provide for the presence of assessors (citizens randomly selected to represent the community); cases in magistrate courts do not. Many rape and sexual assault cases were heard in the magistrate courts; since magistrates are not authorized to impose sentences longer than 5 years in prison, this resulted in light sentences in most domestic or family law cases. The Legal Aid Commission provided counsel to some indigent defendants, a service supplemented by voluntary services from private attorneys. The right of appeal exists but often was hampered by delays in the process. Bail was granted freely. The courts had a significant backlog of cases, and processing was slowed by, among other things, a shortage of prosecutors. Some defendants faced lengthy pretrial detention.

The law sometimes treated women differently from men. In some instances, there was a presumption of reduced competence and thus reduced responsibility for women. For example, only women can be charged with infanticide; if a man kills an infant, the act is treated as murder, a more serious charge. A female defendant in an infanticide case was presumed to have diminished mental capacity, and sentences were reduced or suspended accordingly.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government generally respected the privacy of the home. The Ministry of Home Affairs, Immigration, and National Disaster Management, responsible for national defense, security, and law enforcement, used its broad investigative and enforcement powers to maintain selective surveillance and the almost constant employment of police checkpoints at random locations on roads throughout the country.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, although the Public Order Act and other laws prohibit actions that incite racial antagonism, and the Government generally respected these rights in practice.

The Media Council's Complaints Committee, a private watchdog group of media and academic figures, accepted complaints related to the media and published its findings during the year. Most of the complaints cited inappropriate media activity, including invasions of privacy; there were no complaints regarding government pressure on, or interference with, the media.

In 2003, the Government proposed changes to the Media Council that would replace the current body with a government constituted council. Public reaction was strongly negative. At the end of the year, the Government's plans remained on hold but had not been withdrawn.

A variety of opinions, including criticism of the Government, were heard in all major media outlets. Political figures and private citizens spoke out regarding the country's political situation and against the Government. Letters and editorials critical of the Government were published in the three English language dailies. The Government generally did not interfere in the daily operations of the media.

Legislation pertaining to the press is contained in the Newspaper Registration Act and Press Correction Act. Under these acts, all newspapers must be registered with the Government before they can publish. The acts give the Minister of Information sole discretionary power to order a newspaper to publish a "correcting statement" if, in the minister's view, a false or distorted article was published. A newspaper refusing to publish the minister's correction can be sued in court and, if found guilty, fined. Individuals in such cases can be fined, imprisoned for 6 months, or both. These acts authorize the Government to arrest any person who publishes "malicious" material. This would include anything the Government considered false that could create or foster public alarm or result in "detriment" to the public. However, this authority has never been used.

The country's television news production was owned and operated by Fiji One, one of only two national noncable television stations. A trust operating on behalf of the provincial governments owned 51 percent of Fiji One; private individuals and interests owned the other 49 percent. The Government owned the Fiji Broadcasting Corporation, which operated four radio stations. There were several thriving independent radio stations broadcasting in English, Fijian, and Hindi.

The Television Act permits the Government to influence programming content. There was no attempt to use the programming authority during the year.

In the past, government holdings in Fiji TV One, the Fiji Post, and the Fiji Sun raised questions regarding the independence of the press. However, these and other media outlets frequently criticized the Government. Muted criticism of the traditional chiefly system has also appeared.

The Fiji News Council worked to improve journalistic standards, safeguard media independence, and resolve complaints from the public. The Fiji Islands Media Association, an affiliate of the Pacific Islands News Association, also provided training opportunities for journalists and implemented a media code of ethics.

The Government did not restrict Internet access.

Academic freedom was generally respected; however, government work permit stipulations and University of the South Pacific contract regulations effectively deterred most university employees from participating in domestic politics. Many academics wrote for the media and included disclaimers in their work to preclude contract or work permit problems.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to assemble for political purposes, subject to restrictions in the interest of public order. Although civic organizations frequently were granted permits to assemble, political demonstrations and marches generally were denied permits.

The Constitution provides for freedom of association, and the Government generally respected this provision in practice. Opposition parties operated without government interference and issued public statements freely.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. Religious groups were not required to register. The Government did not restrict foreign clergy and missionary activity or other typical religious activities. Religious differences are largely along ethnic lines; most ethnic Fijians are Christians, and most Indo Fijians

are Hindu, with a sizable minority of Muslims. The Government protected the rights of all religious groups. The major holidays of Christianity, Hinduism, and Islam were celebrated nationally.

The role of religion was tied closely to existing racial antagonisms and continued to be a political problem. Prominent figures in the Methodist Church and allied political parties continued to advocate the establishment of a Christian state. This position received public support from several M.P.s. The Church has displayed strong nationalist sympathies.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, the Government has broad powers to limit freedom of movement in the interest of national security. Unlike in previous years, access to Nukulau Island, site of a maximum security detention center for persons charged with treason, was granted to family members, the clergy, and ICRC representatives.

The Constitution prohibits forced exile, and the Government did not practice it.

The law includes provisions for providing refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

In practice, the Government provided protection against refoulement, the forced return of persons to a country where they feared persecution. The Government granted refugee status or asylum. However, in the past, the Government has been reluctant to grant temporary protection without assurances that the asylum seeker would be moved to a third country.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The 1997 constitutional amendments reduce some of the ethnically based factors that abridged the right of citizens to change their government. Under the amended Constitution, the Prime Minister and the President may be of any race. The amendments establish a 71 member lower house with 25 seats open to any ethnicity and 46 seats allocated to different ethnic communities. The unprecedented open seats are apportioned into districts of approximately equal population. Of the 46 communal seats, 23 are allotted to indigenous Fijians, 19 to Indo Fijians, 3 to "general voters" (for the most part mixed race, Caucasian, and East Asian voters), and 1 to Rotumans (an ethnically distinct Polynesian group). These allotments were generally proportional to the ethnic composition of the country's population. The amendments also establish an alternate voting system for elections to the lower house to replace the first past the post system of the previous constitution. The Senate remains an appointed body with 32 members, of which the President approves 14 members nominated by the Great Council of Chiefs, 9 nominated by the Prime Minister, 8 nominated by the opposition leader, and 1 nominated by the Council of Rotuma. Several persons prominently and publicly involved in the 2000 coup were named to the Senate by the Prime Minister.

On November 26, Prime Minister Laisenia Qarase of the ruling SDL party, and Mahendra Chaudhry, leader of the opposition FLP, agreed not to pursue further the dispute over the composition of the Cabinet. The disagreement began when the Qarase Government excluded Chaudhry's FLP from the new Cabinet after the 2001 elections, although according to the Constitution, the FLP had received enough votes to be offered positions in the Cabinet. Chaudhry took legal action against Qarase; the Supreme Court affirmed the constitutional provision and instructed the Prime Minister to offer cabinet seats to Chaudhry's party. Subsequent negotiations between the two sides regarding cabinet portfolios had proved unsuccessful until the November agreement.

Indo-Fijians, who account for 42 percent of the population, continued to be egregiously underrepresented at all levels in the Government, from the Senate to the lowest ranking police constable or soldier. These inequities are to some extent enshrined in the Constitution, which mandates that 14 of Parliament's 32 Senators be appointed by the Fijian Great Council of Chiefs and 1 by the Rotuma Council. Therefore, the support of only two additional Senators is needed to give indigenous Fijians effective control in the Senate.

There were continued calls for action against persons implicated but not charged in the May 2000 coup attempt, a November 2000 mutiny, and a separate, abortive mutiny conspiracy in December 2000. Several conspirators were tried and sentenced during the year. On August 5, the Vice President, a government minister, and the Deputy Speaker of Parliament were sentenced to periods of imprisonment ranging from 1 to 6 years for their participation in a coup attempt in May 2000. On December 15, a court-martial convicted the final group of military suspects charged in the coup attempt and sentenced them to periods ranging from 3 to 8 years in prison.

Allegations of nonaccountability, corrupt travel, financial mismanagement, and conflicts of interest regarding officials and ministries continued to be raised by the media. Several cases of improper bidding and supply were under investigation in the Ministry of Works and Energy, and officials there and in other ministries were relieved of duty because of allegations of

impropriety.

In some ministries, government transparency was virtually nonexistent. The Constitution gives the Auditor General (AG) rights of access to audit all government bodies, whether national or local. However, early in the year the AG complained to Parliament that "verbal and written requests in the past 2 years" for information from ministries and departments of government "have been greatly unsuccessful" and met with resistance by the heads of the units concerned.

The country's 71 seat House of Representatives included 1 appointed and 5 elected female M.P.s, while the 32 member Senate included 2 women. After the 2001 election, four ethnic Fijian women were appointed to the Cabinet (two as ministers and two as assistant ministers). Women also played important roles in the chiefly system and could be chiefs in their own right.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

The HRC appeared to be impartial and independent, and it continued to receive and investigate requests for assistance, some involving alleged abuses by the military, police, and prison officials. HRC work was hampered by Constitutional Redress Rules, which stipulate that human rights cases must be filed in the High Court within 30 days of a complaint.

There were also several small, foreign based organizations that concentrated on local human rights causes, including the Coalition for Democracy in Fiji (with offices in New Zealand and Australia) and two United Kingdom based groups, the International Fiji Movement and the Movement for Democracy in Fiji. There was little interaction between the Government and these groups.

The ICRC continued to operate an office in the country.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination based on race, sex, place of origin, political opinion, color, or creed. It also provides specific affirmative action provisions for those disadvantaged as a result of such discrimination. A compact included in the Constitution specifically provides for affirmative action and "social justice" programs to secure effective equality of access to opportunities, amenities, and services for ethnic Fijians and Rotumans and for all disadvantaged citizens and groups. The Constitution cites the "paramountcy" of Fijian interests as a guiding principle for the protection of the rights of indigenous citizens. The Government generally enforced these constitutional provisions effectively, although there were problems in some areas.

Women

Domestic abuse, rape, and incest were major problems. Reliable estimates indicated that 10 percent of women had been abused in some way. An active women's rights movement addressed the problem of domestic violence. Police have adopted a "no drop" rule, under which they prosecute cases of domestic violence even when the victim does not wish to press charges. Nonetheless, cases of domestic abuse and incest often were dismissed by courts or received minimal sentences. The traditional practice of reconciliation between the aggrieved parties sometimes was taken into account to mitigate sentences in domestic violence cases, particularly in cases of incest.

The women's rights movement pressed for serious punishment for rape. Sentences varied widely. Women's groups continued to urge that all rape cases be heard in the High Court, where lengthier sentences are available. However, the law accords an accused rapist the right to choose between the High Court and magistrates' courts. Since there have been no effective prosecutions for marital rape, women's activists continued to press for inclusion of marital rape in a new Domestic Violence Bill on which public hearings were held in November by the Attorney General's office.

Prostitution is illegal, although it can be found, particularly in Suva. The law prohibits sex tourism as well as sexual harassment; neither was considered to be a significant problem.

Suva, Ba, Labasa, and Lautoka have women's crisis centers funded by foreign governments. The centers offered counseling and assistance to women in cases of domestic violence, rape, and other problems, such as child support. The NGO Femlink Pacific distributed information at the grassroots level and encouraged community based dialogue. The Ministry of Women provided a Gender Awareness Program to educate soldiers and police officers about women's concerns.

Under the Constitution, male and female citizens enjoy equal rights in regard to the granting of residence for spouses, and with regard to the registration and racial designation of children for purposes of enrollment on electoral rolls and entitlement to ethnic, communal property rights. The 2003 Family Law established "no fault" divorce.

Women had full rights, in law and practice, of property ownership and inheritance, and a number were successful entrepreneurs. Other than a prohibition on working in mines, there were no legal limitations on the employment of women. Women generally were paid less than men for similar work.

Children

The Government devoted 19 percent of the national budget to education and also worked to improve children's health and welfare. School is mandatory until age 15. The inability of some families to pay school fees and bus fare limited attendance for some children.

The Government provided free medical care for children at public health centers and hospitals. Government nurses provided free immunizations for children in primary schools.

Societal changes have undermined traditional village and extended family based structures. Outgrowths of these changes have included increased child abuse and a number of homeless youths in urban areas. Some youths found employment in the informal sector. Children worked on the streets, in homes as domestics, and in auto repair shops. Homeless children often were seen on the street working as shoeshine boys or involved in prostitution. Child prostitution, along with prostitution in general, appeared to increase during the year and affected both the ethnic Fijian and Indo Fijian communities.

Children's testimony was largely inadmissible in courts unless corroborated by an adult.

The 2003 Family Law established that illegitimate children have the same rights as legitimate children.

Trafficking in Persons

There are no laws that specifically address trafficking in persons, although laws against procuring a woman to become a prostitute, kidnapping, and bonded and forced labor could be used to prosecute traffickers. There were no substantiated reports of trafficking in persons to, from, or within the country during the year.

There was an increase during the year in persons arriving in or transiting the country with altered or falsified travel documents. The police believed that an organized Asian criminal network in the country coordinated these and other illegal movements of persons. However, most appeared to be economic migrants rather than victims of trafficking.

Child prostitution also was a problem, affecting both the ethnic Fijian and Indo Fijian communities (see Section 5, Children).

The Government did not sponsor or provide assistance to any programs to combat or prevent trafficking in persons.

Persons with Disabilities

The Constitution provides for equality before the law of all persons, including persons with disabilities, and discrimination against the physically disabled in employment, education, and the provision of state services is illegal. However, there was no legislation or mandated provision for accessibility for persons with disabilities, and there was little or no enforcement of laws protecting persons with disabilities.

The Fiji National Council for Disabled Persons worked to protect the rights of persons with disabilities. Several voluntary organizations also promoted attention to the needs of persons with disabilities.

Persons with mental disabilities largely were separated from society and normally were supported at home by their families. There were a few special schools for persons with mental disabilities; however, their costs limited access.

National/Racial/Ethnic Minorities

Tension between ethnic Fijians and Indo Fijians has been a longstanding problem. While the Constitution notes that "the composition of state services at all levels must be based on the principle of reflecting as closely as possible the ethnic composition of the population," it also specifies the "paramountcy of Fijian interests" as a protective principle (see Section 3).

Senators appointed by the Prime Minister made numerous racial slurs directed against Indo Fijians. During the year, the SDL Government worked to ensure the political supremacy of ethnic Fijians. The majority of valid complaints to the HRC dealt with racial and ethnic equality problems.

Land tenure remained a highly sensitive problem. Ethnic Fijians communally hold more than 80 percent of arable land, the Government holds another 8 percent, and the remaining is freehold. Ethnic Fijians' traditional beliefs, cultural values, and self identity are tied to the land. Most cash crop farmers were Indo Fijians, leasing land from ethnic Fijian landowners through the

Native Land Trust Board. Many Indo Fijians, particularly farmers, believed that the absence of secure land tenure discriminated against them. Many traditional, communal indigenous Fijian landowners, in turn, felt that the rental formulas included in the Agricultural Land Tenure Agreement (ALTA) discriminated against them. Racial tensions and grievances over low rents for agricultural lands resulted in several alleged illegal evictions of Indo Fijians and reoccupations of land by native Fijian landowners. There also were reports of Fijian landowners extorting higher rents from their Indo Fijian tenants. Almost none of these violations were prosecuted.

The Government has pressed strongly for changes in the existing ALTA to accommodate landowner concerns; however, Parliament took no action on the matter during the year.

The minority Chinese community continued to grow dramatically, primarily through illegal immigration. There was a steep rise in illegal activities, including murder, allegedly connected to Chinese organized crime. A special police unit, the Asian Crime Unit, investigated criminal activity within the ethnic Chinese community.

Section 6 Worker Rights

a. The Right of Association

The law protects the right of workers to form and join unions, elect their own representatives, publicize their views on labor matters, and determine their own policies, and the authorities respected these rights in practice. However, the law permits restrictions to these rights in the interests of defense, public safety, public order, public morality, or public health, or to protect the rights and freedoms of other persons. An estimated 36 percent of the work force was unionized.

All unions must register with, but are not controlled by, the Government. The major central labor body was the Fiji Trades Union Congress (FTUC), which in the past was associated closely with the opposition FLP; other unions operated under its auspices. In recent years, the FTUC has adopted a more independent political stance. The country's other important union grouping was the Fiji Island Council of Trade Unions. While certain unions were ethnically based, both Indo Fijians and ethnic Fijians held leadership roles in the trade union movement.

The Employment Act makes it an offence for an employer to victimize any worker or make it a condition of employment for a worker not to belong to a union. Numerous cases of victimization of workers who expressed an inclination to join a union were reported to the Ministry of Labor. However the ministry did not protect workers effectively from anti-union discrimination, and no employer was prosecuted.

b. The Right to Organize and Bargain Collectively

Workers have the right to organize and bargain collectively. Employers are required to recognize a union if more than half of the employees in a workplace have signed membership cards; no ballots are held to determine representation. The Government has the power to order recalcitrant employers to recognize unions, and it has done so. Traditional key sectors of the economy, including sugar and tourism, were heavily unionized; however, although the law encouraged unionization, union organizers' jobs were not protected, resulting in low unionization in, for example, the country's garment factories. Employers reserved the right to fire union organizers, and some workers were afraid to unionize. Wage negotiations generally were conducted at individual companies rather than on an industry wide basis.

Strikes are legal, except in connection with union recognition disputes, and trade unions can conduct secret strike ballots without government supervision. To carry out a legal strike, organizers must give an employer 28 days' notification. The Ministry of Labor also must be notified of the dispute and receive a list of all striking employees and the starting date and location of the strike. This requirement is intended to give organizers, unions, employers, and the ministry time to resolve the dispute prior to a strike. Most disputes, including those in which strike action was deemed illegal, were settled by referral to a Permanent Arbitrator.

Union officials operated without interference during the year. Organizers were more vulnerable, particularly when operating on company premises, although in theory they have legal protection. Intimidation of workers often made organizing difficult.

Export processing zones (EPZs) are subject to the same laws as the rest of the country. However, the FTUC has been unsuccessful in obtaining collective bargaining agreements in EPZs and claimed that intimidation of workers by employers was widespread. The FTUC argued that because of illegal and intimidating practices, including threats of loss of work for those active in organizing workers, unions were effectively prevented from representing workers in the EPZs.

c. Prohibition of Forced or Compulsory Labor

The Constitution specifically prohibits forced or compulsory labor, including by children, and there were no confirmed reports that such practices occurred. However, media reports and NGOs alleged that work conditions in some garment factories might include forced or bonded labor and excessive work hours.

d. Prohibition of Child Labor and Minimum Age for Employment

The legal system was inadequate to protect the rights of children. The Government has adopted some laws to protect children from exploitation in the workplace, but enforcement was lax. Children under the age of 12 may not be employed in any capacity. Children under age 15 may be employed only outside of school hours in family enterprises and not in the industrial sector. Persons between the ages of 15 and 17 may be employed in certain occupations not involving heavy machinery; however, they must be given specified hours and rest breaks. In practice, the Ministry of Labor had few or no resources to investigate reports of child labor or to charge offending employers. There were only two inspectors at the Ministry of Labor who conducted regular annual workplace inspections, and there were no investigators to follow up reports of violations. During the year, migration of rural youth to urban areas continued, and youths continued to find employment in the informal sector, including work as shoeshine boys, casual laborers, and in prostitution.

The laws and regulations concerning child labor are inadequate, and the infrastructure for implementing them was lacking. There were no adequate enforcement remedies and no comprehensive policy to eliminate the worst forms of child labor.

e. Acceptable Work Conditions

There was neither a national minimum wage nor a limit on maximum hours for working. Certain sectors had minimum wages set by the Ministry of Labor. Minimum wage levels provided a sparse but adequate standard of living for a worker and family in all sectors other than the garment industry, where no minimum wage applied. There were no regulations on maximum hours of work for adult males. Other than a prohibition from working in mines, there were no limitations on female employment. Workers in some industries, notably transportation and shipping, worked excessive hours. Factory housing for garment workers was overcrowded.

There are workplace safety regulations, a Worker's Compensation Act, and an accident compensation plan. However, government enforcement of safety standards suffered from a lack of trained personnel and lags in compensation hearings and rulings. Unions generally monitored safety standards in organized workplaces; however, many work areas did not meet standards and were not monitored by the Ministry of Labor for compliance. The law accords employees the right to remove themselves from a hazardous work site without jeopardizing their employment, but most feared the loss of their jobs if they did so.

There were a growing number of nonunionized and sometimes illegal immigrant workers (predominantly ethnic Chinese), particularly in the garment sector.